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May 30, 2023

To: Ralph Dollhopf
United States Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

From: Marc R. Ferries, P.E. – Project Coordinator

**Subject: Subject
East Palestine Train Derailment Site
Norfolk Southern Rail Line, East Palestine, Columbiana County, Ohio
Site/Spill Identifier (SSID): C5XR
On-Site Treatment Of Waste Pursuant to CERCLA**

Dear Mr. Dollhopf:

Norfolk Southern Railway Company (NSRC) is responding to your May 12, 2023, letter requesting information about the applicable or relevant and appropriate requirements (ARARs) applicable to (1) the two one million-gallon storage tanks and (2) the six 200,000-gallon storage tanks.

The two one million-gallon temporary tanks will be managed in accordance with the NSRC East Palestine Waste Management Plan (the "WMP"), which was approved on April 18, 2023 by USEPA. As stated in Section 3.2.2 of the WMP, "regulations applicable to the use of Corrective Action Temporary Units are found in 40 CFR 264.553 and OAC rule 3745-57- 73. The use of temporary units (TUs) is being authorized by USEPA as an ARAR during a CERCLA cleanup under the Section 106 UAO." Recognizing that the two one million-gallon tanks meet the factors in 40 CFR 264.553(c), USEPA specifically approved those tanks as TUs in the WMP. As stated in the WMP, "EPA or authorized states can modify the design, operating and closure standards that normally apply in order to facilitate the prompt cleanup of a site. Table 2 provides a summary of standards applicable to the TUs and documents compliance with those standards." NSRC continues to comply with the standards in Table 2 for all modular tanks approved as TUs in the WMP, including the two one million-gallon tanks. As needed, NSRC will provide documentation of compliance with the Table 2 standards.

For the six 200,000-gallon storage tanks referenced in your May 12 letter, NSRC will provide the certifications requested in that letter following installation of those tanks. Tank installation, secondary containment construction completion, tank fit testing, and piping connections are anticipated to be completed on or about June 15, 2023 with completion of the certification assessment following on June 19, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Ferries', with a long horizontal stroke extending to the right.

Marc R. Ferries, P.E.,
Project Navigator, Ltd.

cc: Jack Kelly, EPA, Region 3
 Stephen Wolfe, EPA, Region 5
 Jeffrey Kimble, EPA, Region 5
 Steven Aufdenkampe, NSR
 Daniel Hunt, NSR
 Matthew A. Gernand, NSR
 Hollister A Hill, NSR
 Geoffrey Rathgeber, NSR